IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 1779 OF 1986

National Textile Corporation Ltd. ... Plaintiff
VS.
Ratansi Mulji & Anr. ... Defendants

Mr. D'souza i/b. Pandya & Poonawala for Plaintiff .
Ms. Rupal Naielwala i/b. Gordhandas Fozdar for Defendants

CORAM: **D.G. KARNIK J**.

DATE: 29/6/2006

P.C.:

1. On the previous occasion counsel for Defendant no. 1 had informed the court that the Defendant no.1 had died on 21st February 2006. On the Plaintiff ' srequest and to enable it to take necessary steps the matter was adjourned. Today, counsel for the Plaintiff states that the Plaintiff does not know the names of heirs of Defendant no.1. Since the heirs have not been brought on record within the statutory period the suit against Defendant no.1 stands abated.

2. Defendant nos. 2 and 3 have not filed their written statement.

3. In the absence of written statement the averments made in the plaint are deemed to be admitted. The suit is a simple money suit. In the circumstances the suit of the Plaintiff is decreed against Defendant nos. 2 and 3 under Order 8 Rule 10 of C.P.C., in terms of prayer clause (a)

(D.G. KARNIK J.)